

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Respondent,

v.

DENNIS LAPRELL DIKES II,
Petitioner.

No. 2 CA-CR 2015-0029-PR
Filed March 5, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Petition for Review from the Superior Court in Navajo County
Nos. S0900CR20010192 and S0900CR20010380
The Honorable Robert J. Higgins, Judge

DISMISSED

COUNSEL

Mark Brnovich, Arizona Attorney General
By Daniel P. Schaack, Assistant Attorney General, Phoenix
Counsel for Respondent

Dennis L. Dikes II, Florence
In Propria Persona

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Miller and Judge Espinosa concurred.

ECKERSTROM, Chief Judge:

¶1 Dennis Dikes II seeks review of the trial court’s order rejecting his motion for clarification of his sentence. Because there is no final decision on a petition for post-conviction relief for us to review pursuant to Rule 32.9(c), Ariz. R. Crim. P., we dismiss Dikes’s petition.

¶2 In 2001, Dikes pled guilty to aggravated assault and two counts of escape and was sentenced to concurrent prison terms, the longest of which was 7.5 years. At the time of those offenses, Dikes was in the custody of the Arizona Department of Corrections (ADOC), having been sentenced in 2000 to concurrent and consecutive prison terms totaling fifteen years—specifically, concurrent prison terms of 2.5 years for use of a dangerous drug and three years for third-degree burglary, to be followed by a twelve-year sentence for attempted sexual conduct with a minor. The plea agreement and sentencing minute entry for the 2001 convictions both stated that Dikes’s sentences were to run consecutively “to the term currently being served.”

¶3 In September 2012, Dikes filed a “motion for cla[rification and order to comply/cases consolidated per plea agreement,” in which he claimed ADOC had incorrectly altered his release date from “early 2012” to “late 2018” to reflect that his 7.5-year sentence would not begin until the expiration of the twelve-year prison term, imposed in another case, for attempted sexual conduct with a minor. He asserted ADOC had done so in retaliation for his having filed a grievance, and he asked the trial court to clarify that his 7.5-year sentence would run consecutively only to his three-year prison term for burglary, because that was the term he was

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serving at the time he was sentenced for his conviction of aggravated assault. The court denied the motion, and this petition for review followed.

¶4 On review, Dikes repeats his claim that ADOC improperly altered his release date, asserting we have authority to review the trial court's ruling pursuant to Rule 32.9(c). But that permits us to review only "the final decision of the trial court on the petition for post-conviction relief." Ariz. R. Crim. P. 32.9(c). Dikes did not file a petition for post-conviction relief or otherwise attempt to bring his claims pursuant to Rule 32. Indeed, his motion was directed at alleged conduct by ADOC, and the Arizona Attorney General responded on ADOC's behalf. Thus, no final decision as contemplated by Rule 32.9(c) is presented here and there is nothing for us to review. Accordingly, the petition for review is dismissed.